

37151

(NJ0002429)

Application No.: 2SD OXW 2 000570

Name of Permittee: National Gypsum Company

Effective Date: _____

Expiration Date: _____

DRAFT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
DISCHARGE PERMIT

In reference to the above application for a permit authorizing the discharge of pollutants in compliance with the provisions of the Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500, October 18, 1972 (33 U.S.C. §1251-1376) (hereinafter referred to as "the Act"), National Gypsum Company, 325 Delaware Avenue, Buffalo, New York 14202

(hereinafter referred to as "the permittee")

is authorized by the Regional Administrator, Region II, U. S. Environmental Protection Agency
to discharge from its Gold Bond Building Products plant located at
50 Division Street, Millington, Morris County, New Jersey

to the Passaic River.

in accordance with the following conditions.

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1. All discharges authorized herein shall be consistent with the terms and conditions of this permit; facility expansions, production increases or process modifications which result in new or increased discharges of pollutants must be reported by submission of a new NPDES application, or if such new or increased discharge does not violate the effluent limitations specified in this permit, by submission to the Regional Administrator of notice of such new or increased discharges of pollutants; the discharge of any pollutant more frequently than or at a level in excess of that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

2. After notice and opportunity for a public hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

3. Notwithstanding Condition 2 above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge authorized herein and such standard or prohibition is more stringent than any limitation upon such pollutant in this permit, the Regional Administrator shall revise or modify this permit in accordance with the toxic effluent standard or prohibition and so notify the permittee.

4. The permittee shall allow the Regional Administrator or his authorized representative and/or the authorized representative of the State water pollution control agency, in the case of non-Federal facilities, upon the presentation of his credentials:

- a. To enter upon the permittee's premises in which an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit;
- b. To have access to and copy at reasonable times any records required to be kept under the terms and conditions of this permit;
- c. To inspect at reasonable times any monitoring equipment or monitoring method required by this permit;
- d. To sample at reasonable times any discharge of pollutants.

5. The permittee shall at all times maintain in good working order and operate as efficiently as possible any facilities or systems of treatment or control installed or utilized by the permittee to achieve compliance with the terms and conditions of this permit.

6. The issuance of this permit does not convey any property rights either in real estate or material, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of rights, nor any infringement of Federal, State or local laws or regulations; nor does it obviate the necessity of obtaining State or local assent required by law for the discharge authorized.

7. This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

8. The specific effluent limitations and other pollution controls applicable to the discharge permitted herein are set forth in the following conditions. The following conditions also set forth self-monitoring and reporting requirements. Unless otherwise specified, the permittee shall submit duplicate original copies of all reports to the head of the State water pollution control agency and the Regional Administrator. Except for data determined to be confidential under Section 308 of the Act, all such reports shall be available for public inspection at the office of the Regional Administrator. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Act.

9. General Limitations.

a. The permittee shall not discharge hazardous substances into or upon navigable waters or adjoining shorelines in quantities defined as harmful in regulations promulgated by the Administrator pursuant to Section 311(b)(4) of the Federal Water Pollution Control Act, as amended. Nothing in this permit shall be deemed to preclude the institution of any legal action nor relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Federal Water Pollution Control Act, as amended, or under any other Federal or State law or regulations.

b. Except as specifically authorized in this permit, the permittee shall not discharge floating solids or visible foam.

c. Initial Effluent Limitations. During the period beginning on the effective date of this permit and lasting until 12 months thereafter discharges shall be limited by the permittee as specified below:

<u>Discharge Serial Number</u>	<u>Parameter</u>	<u>Discharge Limitation in kg/day (lbs/day) - Net</u>		<u>Other Limitations</u>	
		<u>Daily Average</u>	<u>Daily Maximum</u>	<u>Average</u>	<u>Maximum</u>
001	pH range			6 minimum	11
	Temperature °C(°F)				
	Winter			13 (55)	16 (60)
	Summer			21 (70)	27 (80)
	Total Suspended Solids	.2 (.5)	8 (18.3)		

10. Required Effluent Discharge. During the period beginning within 12 mos. from EDP and lasting until the date of expiration of this permit, discharges shall comply with Condition 9(c) above and shall not exceed the values listed below for those parameters indicated:

<u>Discharge Serial Number</u>	<u>Parameter</u>	<u>Discharge Limitation in kg/day (lbs/day) - Net</u>		<u>Other Limitation</u>	
		<u>Daily Average</u>	<u>Daily Maximum</u>	<u>Average</u>	<u>Maximum</u>
001	pH range			6 minimum	9

11. Schedule of Compliance.* The permittee shall comply with the following schedule and shall report to both the Regional Administrator and the State Agency within 14 days following each date on the schedule detailing its compliance or noncompliance** with the schedule date and requirement:

(a) The permittee shall complete an engineering report and submit it to the State Agency in accordance with State requirements*** within 3 months from EDP.

(b) The permittee shall complete final plans and specifications for the treatment facilities and submit it to the State Agency in accordance with State requirements*** within 6 months from EDP.

(c) The permittee shall start construction of its facilities within 8 months from EDP.

(d) The permittee shall complete construction of the facilities within 11 months from EDP.

(e) The permittee shall attain the operational levels required to achieve the limits specified in Condition 10 within 12 months from EDP.

*If the time period allotted for the completion of an interim requirement specified above is greater than 9 months, then the permittee shall submit a report detailing its progress toward completion of the interim requirement at the end of the first 9-month period and at the end of each succeeding 9-month period (including, of course, the report, specified above, required within 14 days following the specified completion date).

**Each notice of noncompliance shall include the following information:

- (1) A short description of the noncompliance;
- (2) A description of any actions taken or proposed by the permittee to comply with the elapsed schedule requirement without further delay;
- (3) A description of any factors which tend to explain or mitigate the noncompliance; and
- (4) An estimate of the date permittee will comply with the elapsed schedule requirement and an assessment of the probability that permittee will meet the next scheduled requirement on time.

***State Requirements: All reports, plans and/or specifications that propose new or modified waste treatment and/or disposal facilities must be approvable and signed, and sealed, by a professional engineer, licensed to practice in the State in which the facilities are to be built.

12. Monitoring and Recording. The permittee shall monitor and record the quantitative values of each discharge according to the following schedules and other provisions: For each discharge and for each Sampling Schedule listed below, the flow (in gallons per day) shall be measured.* Where net values are listed in Conditions 9(c) and/or 10 the surface water intake is to be sampled with the same frequency and type of sample as specified below for each required parameter.

(a) Sampling Schedule I - The permittee shall submit a comprehensive monitoring report within 2 mos from EDP. The permittee shall take daily 24-hour composite samples** of intake water (surface water body only) and of each discharge over a typical production period of at least 7 consecutive operating days. One or two grab samples per day shall also be taken during maximum anticipated waste loadings (i.e. maximum production periods, batch dumping, washing operations). This sampling program shall be carried out to insure complete, reliable results which will typify the plant's daily discharge.

In lieu of this sampling program the permittee may submit documentation indicating the results of previous sampling programs for all or part of the required parameters. The data utilized in obtaining the average and maximum values which appear in the permit application can be substituted for this report if the reported values can be shown to be representative of the permittee's current discharge(s). The following parameters are to be reported on: All parameters listed in Condition 9(c).

Sampling Schedule II - This schedule shall commence upon completion of Schedule I and continue until start-up of the treatment facilities required to comply with the effluent limitations of Condition 10.

The permittee shall take 24-hour composite samples** on a monthly basis for the following parameters: All parameters listed in Condition 9(c).

*For all continuous discharges, flow shall be measured and recorded continuously; for intermittent discharges, the flow shall be measured and reported at a frequency coinciding with the most frequently sampled parameter. Methods, equipment, installation and procedures shall conform to those prescribed in the Water Measurement Manual, U. S. Department of the Interior, Bureau of Reclamation, Washington, D. C., 1967.

**Grab samples only shall be taken for analysis of temperature, oxygen, oil and grease, pH and any bacteriological analysis. Care shall be exercised when collecting a composite sample such that the proper preservative is present in the sample container during sample collection. Depending on the analysis to be conducted, several different containers and preservation techniques may be required. Samples shall be analyzed as quickly as possible after collection and in no case shall the maximum holding time exceed that contained in the references cited in Condition 12(e).

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Sampling Schedules III and IV - Sampling Schedule III shall commence upon start-up of the treatment facilities required to comply with Condition 10. Schedule IV shall commence upon notification by the Regional Administrator. Commencement of Schedule IV will coincide with the effluent values reaching satisfactory steady state conditions.

Discharge Serial No.	Parameter	Minimum Freq. of Analysis		Sample Type
		Sched. III	Sched. IV	
001	pH	Monthly	Quarterly	Grab
	Temperature	Monthly	Quarterly	Grab
	Total Suspended Solids	Quarterly	Quarterly	Composite

(b) Modifications to Sampling Schedules - The permittee may submit for approval an alternate schedule(s) to account for any realignment of discharges, for substitutions of parameters to be sampled, for analytical and sampling methods to be utilized, for elimination of intake sampling, for realignment of sampling locations so that concentrations to be measured are within reliable sensitivity ranges of the analytical techniques, and for the compositing by volume of individual discharge samples to make a single plant sample. With regard to substituting parameters such as TOC or COD for BOD, the permittee shall provide test data to support the correlation between the parameters. As for elimination of intake monitoring, the permittee shall provide sufficient data to establish the average levels of intake parameters and demonstrate that any variations in the intake characteristics would have minimum impact upon the permittee's discharge(s). In such cases, the alternate monitoring schedule shall provide for periodic verification of parameter correlations and intake parameter levels.

If the permittee monitors any pollutant more frequently than is required by this permit, he shall include the results of such monitoring in the calculation and reporting of the values required in the Discharge Monitoring Report Form (EPA Form 3320-1 (10-72)) in Condition 12(f). Such increased frequency shall be indicated on the Discharge Monitoring Report form.

(c) Quality Control - Adequate care shall be maintained in obtaining, recording, and reporting the required data on effluent quality and quantity, so that the precision and accuracy of the data will be equal to or better than that achieved by the prescribed standard analytical procedures.

The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at sufficiently frequent intervals to ensure accuracy of measurements.

Sampling shall be representative of the volume and quality of effluent discharged over the sampling and reporting period.

The permittee is responsible for assuring that the methodology used is reliable for their specific wastes in their laboratory. The permittee must be able to demonstrate to the Regional Administrator that they have a viable quality control program.

(d) Recording - The permittee shall maintain and record the results of all required analyses and measurements and shall record, for all samples, the date and time of sampling, the sample method used, the dates analyses were performed, who performed the sampling and analyses, and the results of such analyses.

All records shall be retained for a minimum of 3 years, such a period to be extended during the course of any unresolved litigation or when so requested by the Regional Administrator. The permittee also shall retain all original strip-chart recordings from any continuous monitoring instrumentation any any calibration and maintenance records for a minimum of 3 years, such period to be extended during the course of any unresolved litigation or when so requested by the Regional Administrator.

The permittee shall provide the above records and shall demonstrate the adequacy of the flow measuring and sampling methods upon request of the Regional Administrator. The permittee shall identify the effluent sampling point used for each discharge pipe by providing a sketch or flow diagram, as appropriate, showing the locations.

(e) Sampling and Analysis

Following promulgation of guidelines establishing test procedures for the analysis of pollutants, published pursuant to Section 304(g) of the Federal Water Pollution Control Act, as amended, all sampling and analytical methods used to meet the monitoring requirements specified above shall conform to such guidelines. If the Section 304(g) guidelines do not specify test procedures for any pollutants required to be monitored by this permit and until such guidelines are promulgated, sampling and analytical methods used to meet the monitoring requirements specified in this permit shall, unless otherwise specified by the

Regional Administrator, conform to the latest edition of the following references:

Standard Methods for the Examination of Water and Wastewaters, 13th Edition, 1971 American Public Health Association, New York, New York 10019.

A.S.T.M. Standards, Part 23, Water; Atmospheric Analysis, 1972, American Society for Testing and Materials, Philadelphia, Pennsylvania 19103.

W.Q.O. Methods for Chemical Analysis of Water and Wastes, April 1971, Environmental Protection Agency, Water Quality Office, Analytical Quality Control Laboratory, NERC, 1014 Broadway, Cincinnati, Ohio 45268.

(f) Reporting

The results of the above monitoring requirements shall be reported by the permittee in the units specified in Conditions 9(c) and 10. A report or a written statement shall be submitted even if no discharge occurred during the reporting period. A report shall also be submitted if there have been any modifications in the waste collection, treatment, and disposal facilities, changes in operations procedures, or other significant activities which alter the quality and quantity of the discharges or otherwise concern these Conditions. Permanent elimination of a discharge shall be promptly reported by the permittee in writing to the Regional Administrator.

The permittee shall include in this report any previously approved non-standard analytical methods used. Copies of the report shall be sent to both the Regional Administrator and the State Agency on the 10th of each month reporting the monitoring data from the previous month. A Discharge Monitoring Report form [EPA Form 3320-1 (10-72)] shall be used for reporting.

(g) Other Requirements

The permittee shall comply with all monitoring, recording, and reporting requirements of the State in which the discharge occurs.

The permittee shall transmit to the Regional Administrator a duplicate copy of any reports on radioactive liquid releases required to be submitted to the Atomic Energy Commission.

The permittee shall transmit to the Regional Administrator a duplicate copy of any reports on pesticides required to be submitted to the U. S. Department of Agriculture.

13. Sludge Disposal. Collected screenings, sludges, and other solids and precipitates separated from the permittee's discharges authorized by this permit and/or intake or supply water by the permittee shall be disposed of in such a manner as to prevent entry of such materials into navigable waters or their tributaries. Any live fish, shellfish, or other animals collected or trapped as a result of intake water screening or treatment may be returned to their water body habitat. The permittee shall report on all effluent screenings, sludges and other solids associated with the discharge herein described. The following data shall be reported together with the monitoring data required in Condition 12:

- a. The sources of the materials to be disposed of;
- b. The approximate volumes and weights;
- c. The method by which they were removed and transported;
- d. Their final disposal locations.

14. Air Emissions. Any air emissions containing waste gases and/or particulate matter from existing or future waste treatment facilities associated with the discharge herein described shall not exceed the permissible levels specified in Federal and State Air Quality Standards.

15. Storm Water. Any accumulated storm waters from the plant grounds which have come into contact with raw materials, chemicals, oils, contaminants, impurities, or other materials normally not present in storm water runoff shall not be discharged into navigable waters or their tributaries without prior treatment and required authorization.

16. Discharge Containing Parameter Not Previously Reported. The permittee shall not discharge any wastewater containing a substance or characterized by a parameter which was indicated as absent in its NPDES Permit Application. In the event of such a discharge, the permittee shall notify the Regional Administrator and the State Agency prior to the discharge.

17. Non-Compliance with Conditions. In the event the permittee is unable to comply with any of these conditions, due, among other reasons, to:

- (1) Breakdown of waste treatment equipment, (biological and physical-chemical systems including, but not limited to, all pipes, transfer pumps, compressors, collection ponds or tanks for the segregation of treated or untreated wastes, ion exchange columns, or carbon absorption units);
- (2) Accidents caused by human error or negligence; or
- (3) Other causes, such as acts of nature,

the permittee shall notify the Regional Administrator and the State Agency immediately by telephone and in writing within five days. The written notification shall include the following pertinent information:

- (1) Cause of noncompliance;
- (2) A description of the noncomplying discharge including its impact upon the receiving waters;
- (3) Anticipated time the condition of noncompliance is expected to continue, or if such condition has been corrected, the duration of the period of noncompliance;
- (4) Steps taken by the permittee to reduce and eliminate the noncomplying discharge; and
- (5) Steps to be taken by the permittee to prevent recurrence of the condition of noncompliance.

Permittee shall take all reasonable steps to minimize any adverse impact to navigable waters resulting from noncompliance with any effluent limitation specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

Nothing in this permit shall be construed to relieve the permittee from appropriate civil or criminal penalties for noncompliance.

18. Alternate Power Supply. The permittee shall provide within 11 mos. from EDP an alternate source of power to operate all waste treatment facilities or indicate, in writing to the Regional Administrator, that production shall be controlled or the discharge shall be handled in such a manner that, in the event the primary source of power to the waste treatment facilities fails, any discharge into the receiving waters will comply with the limits set herein. This alternate power supply, whether from a generating unit located at the plant site or purchased from an independent producer of power, must be separate from the existing power source used to operate the waste treatment facilities and must be operational at the time construction of the treatment facilities has been completed. If a separate facility located at the plant site is to be used, the permittee shall certify in writing to the Regional Administrator and to the State Agency when the facility is completed and prepared to generate power.

19. Bypass Provision. There shall be no bypass of the waste treatment facilities which would allow the entry of untreated or partially treated wastes to the receiving waters.

20. Authorized Signature for Reporting Requirements. All reports required to be submitted by a corporation must be signed by a principal executive officer of at least the level of vice president, or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the application form originates. In the case of a partnership or a sole proprietorship, all reports must be signed by a general partner or the proprietor respectively. In the case of a municipal, State, Federal or other public facility, the application must be signed by either a principal executive officer, ranking elected official or other duly authorized employee.

Definitions

Regional Administrator: Regional Administrator
Region II
Environmental Protection Agency
26 Federal Plaza
New York, New York 10007
ATTN.: Enforcement and Regional Counsel
Division

State Certifying Agency: Director
Division of Water Resources
New Jersey Department of
Environmental Protection
Labor and Industry Building
P.O. Box 1390
Trenton, New Jersey 08625

Daily - each operating day.

Weekly - every seventh day (the same day each week) and a normal operating day.

Monthly - one day each month (the same day each month) and a normal operating day. (i.e. the 2nd Tuesday of each month)

Average - the total discharge by weight during a calendar month divided by the number of days in that month that the production or commercial facility was operating.

Maximum - the total discharge by weight during any calendar day.

Net - the poundage contained in the discharge, less the poundage contained in the surface water body intake source over the same period of time.

1. The intake source must be the same water body that is being discharged to.

2. In cases where the surface water body intake source is pretreated for the removal of pollutants, the intake poundage to be used in calculating the net, is that poundage contained after the pretreatment steps.

Composite - a combination of individual (or continuously taken) samples obtained at regular intervals over the entire discharge day. The volume of each sample shall be proportional to the discharge flow rate. For a continuous discharge, a minimum of 24 individual grab samples (at hourly intervals) shall be collected and combined to constitute a 24-hour composite sample. For intermittent discharges of 4-8 hours duration, grab samples shall be taken at a minimum of 30 minute intervals. For intermittent discharges of less than 4 hours duration grab samples shall be taken at a minimum of 15 minute intervals.

Gross - the poundage contained in the discharge. (Gross applies when the intake source is a municipal or private water supply, ground water, or a surface water body other than the one being discharged to.)

Grab - An individual sample collected in less than 15 minutes.

EDP - The effective date of this permit.

This permit shall become effective on the thirtieth day following the date of the Regional Administrator's signature unless a request for an adjudicatory hearing is granted pursuant to the provisions of section 125.34 of NPDES regulations published at 40 CFR 125.

This permit and the authorization to discharge shall be binding upon the permittee and any successors in interest of the permittee and shall expire at midnight on 5 years from EDP. The permittee shall not discharge after the above date of expiration. In order to receive authorization to discharge beyond the above date of expiration, the permittee shall submit such information, forms, and fees as are required by the agency authorized to issue NPDES permits no later than 180 days prior to the above date of expiration.

By authority of _____
(Regional Administrator)

(Date)

(Signature)